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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/519,232

12/27/2004

Ya'akov Greenshpan

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12/11/2009

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EXAMINER

MUSSELMAN, TIMOTHY A

ART UNIT

PAPER NUMBER

3715

NOTIFICATION DATE

DELIVERY MODE

12/11/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/519,232 | Applicant(s) GREENSHPAN ET AL. | |
| | Examiner TIMOTHY MUSSELMAN | Art Unit 3715 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 21, 22, 24-29, 36, 37, 40-44 and 46-52 is/are rejected.
- 7) ☒ Claim(s) 19, 20, 23, 30-35, 38, 39 and 45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Bliss.pdf</u> |

DETAILED ACTION

Status of Claims

In response to applicant's submission dated 6/19/2009, claims 1-52 are currently pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the relevant portion of 35 U.S.C. 102 that forms the basis for the rejections made in this section of the office action;

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

Claims 1-18, 21-22, 24-29, 36-37, 40-44, and 46-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Bliss et al. – ‘Communality of Video Game Performance with Tracking Tasks’ - *abstract*.

Regarding claims 1, 14, 18, 48-49, and 52, The abstract of the Bliss article describes a study in which users played a video game as part of a training task for a corresponding tracking task, and the performance on a corresponding tracking (i.e. attention) task. The task is disclosed as requiring different psychical actions from the video game trainer. See the provided abstract.

Regarding claim 2, the Bliss abstract discloses wherein the task and the video game do not require common psychical actions.

Regarding claims 3-5, 7, and 15, Bliss discloses wherein the system breaks the tasks into a series of cognitive skills and actions related thereto – i.e tracking skills.

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Regarding claim 6, Bliss discloses in the abstract multiple differences directly pertaining to the psychical interaction with the system. wherein the user listens to a song to develop timing.

Regarding claims 10-11 and 27, Bliss discloses wherein the system is designed to test if the video game helps with particular real world actions (i.e. tracking actions).

Regarding claim 12, Bliss discloses wherein the user utilizes input and output devices in conjunction with the trainer.

Regarding claims 13 and 36, Bliss discloses wherein the actions the trainer is based upon are maintained in a profile that characterizes the user (i.e. the experiment took place over years, so there had to be some maintenance of the data).

Regarding claims 16-17, 21-22, 28-29, and 50-51, Bliss discloses via inputs (computer inputs) and wherein the subject interacts with the system in an iterative manner (the video game presumably builds skills in levels).

Regarding claim 8-9 and 24, Bliss discloses wherein the system develops a heuristic training plan for the user (the video games *are* the training plans).

Regarding claims 25 and 26, Bliss discloses wherein the parameters of the trainer are task related. They are based towards specific 'tracking tasks'.

Regarding claim 37, the 'tracking tasks' disclosed by Bliss would require motion perception, motor schema, and also the video game requires game tactics.

Regarding claims 42-44, Bliss discloses wherein trainer breaks the tasks into a series of cognitive skills and actions related thereto (the plurality of tracking tasks).

Regarding claims 46-47, Bliss discloses wherein the system comprises an editor for developing and generating stimuli – i.e. the video game itself fits these limitations.

Allowable Subject Matter

Claims 19-20, 30-35, and 38-39 are objected to as depending from a rejected base claim, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. These claims are considered as allowable because while the prior art teaches of using video game trainers to teach cognitive skills which are generalized to various situations, there is no specific teaching or suggestion wherein the trainers generalize to sports related tasks.

Claims 23 and 45 are objected to as depending from a rejected base claim, but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. These claims are considered as allowable because while the prior art teaches of using video game trainers to teach cognitive skills which are generalized to various situations, there is no specific teaching wherein the skills are mapped to specific situations *automatically*.

Response to Arguments

Applicant's arguments dated 6/15/2009 have been fully considered, but are moot in view of the new grounds of rejection.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY MUSSELMAN whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner of Art Unit 3715

/XUAN M. THAI/
Supervisory Patent Examiner, Art Unit 3715